



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

March 13, 2009

Board Members Present: Geri DeWaard, OTR, Chair
Rebecca Grabski, OTA Vice-Chair
Kathryn Babits, OTR Member
John Tutelman, Public Representative
Deborah Devine, Public Representative

Staff Present: Wendy Hammon, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Seth Hargraves, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:32p.m. Geri DeWaard, Chair presiding.

Roll Call

All Board members were present.

Approval of Minutes

Regular Session Minutes of February 13, 2009

There were a couple of changes requested by the Board which Staff noted. Rebecca Grabski motioned that the minutes be accepted with the noted changes. Kathryn Babits seconded the motion and it passed 5-0.

Executive Session Minutes of February 13, 2009

Geri DeWaard motioned to accept the minutes as written. John Tutelman seconded the motion and it passed 5-0.

Declaration of Conflicts

Geri DeWaard declared a conflict on agenda item 6(a)(1) Roxanne Judd

Review Meeting Schedule

No changes were made to the meeting schedule for April and May.

Initial Review of Complaints

The Board reviewed the initial complaints for Roxanne Judd and Matthew Strang.

Roxanne Judd – Due to a working relationship, Geri DeWaard recused herself from participating in this action. The remaining Board members discussed the complaint at length and determined that a Letter of Concern should be issued to Ms. Judd stating that she should maintain a level of professionalism and respect the boundaries of her profession. Mr. Tutelman moved that this letter be issued. Ms. Babits seconded the motion and it carried 4-0.

Matthew Strang – After considerable discussion the Board determined that this matter should move to the investigative interview stage. Staff were asked to invite Tracy Carries, Karna Tamarez and Matthew Strang to the next scheduled Board meeting. Ms. Babits moved that this action be conducted which was seconded by Ms. DeWaard. The motion carried 5-0.

Open Complaints

Jamson Hendler – Ms. Hammon reported that per Mr. Hendler's request the Consent Agreement was emailed to him. There was no response, therefore, Ms. Hammon sent a certified copy to his last known address with no response. In preparation for the Board meeting Ms. Hammon emailed Mr. Hendler but the email returned as undeliverable. The Board requested that Ms. Hammon check with Colorado, his last known employment, to see if he was registered as either an OTA or PTA. Ms. Babits made a motion that this matter proceed to a formal hearing, but that the Board would accept, if signed, a consent agreement for surrender of Mr. Hendler's license. Ms. DeWaard seconded the motion and it passed 5-0.

Disciplinary Status Report

At this time there are no disciplinary actions pending.

Substantive Review, Discussion, and Vote Re: Applications For Licenses as Follows:

a. Initial Applications

Ms. Devine moved to approve the initial applicants listed on the March 2009 initial applicant list. Ms. Grabski seconded the motion. The motion passed 5-0.

b. Renewal of Licenses

Ms. Babits moved to approve the renewal applicants listed on the March 2009 renewal applicants list. Mr. Tutelman seconded the motion. The motion passed 5-0.

c. Limited Permits

There were no limited permit requests this month.

Other Board Business and Reports

There was no other Board Business or Reports for this meeting.

Review, discussion and Possible Action on Administrative Matters

a. Revenue and expenditure report

Ms. Hammon presented a new revenue and expenditure report which was discussed by the Board. The Board would like to have more detail included.

b. Administrative Project Status Report

Update on Status of Rule Revisions

Ms. Hammon reported that the summary of rule change requested by the Governor's Office was submitted by the due date but that there has been no response. Therefore, no action has occurred at this time.

Office Space

Ms. Hammon is continuing to work with the Department of Administration regarding relocation of the Board.

Reimbursement of the Department of Administration

Ms. Hammon reported to the Board that she had received from the Department of Administration a request for reimbursement of her pay for the months of November and December 2008. Ms. Hammon prepared a response to this request. The Board requested changes to the response which Ms. Hammon will do and forward to the Chair.

c. Agency Operations and Staffing

The Board was updated by staff that all work is being accomplished. Ms. Hammon reported that she has submitted the paperwork to request the third position be filled but has not had a reply at this time. Ms. Hammon will keep the Board updated on the progress of this effort.

Open Complaints

Shannon Brown – The Board conducted a formal interview regarding this complaint. Ms. Brown was accompanied by her counsel, Ms. Sato. The Board questioned and heard from Ms. Brown, Mr. Tunila, Ms. Davis, Ms. Vieane, Ms. Peasel and Ms. Gleason, under oath before a court reporter, regarding the facts and circumstances of the case, including the allegations of the complaint, that Ms. Brown documented and billed for treating two patients she did not treat.

At the conclusion of the formal interview and after considerable discussion by the Board, Mr. Tutelman made a motion that the Board adopt as a finding of fact that, on November 20, 2008, while working at the Mi Casa Nursing Center, Ms. Brown documented and billed for the treatment of two patients (J.K. and V.M.) that she did not actually treat. The motion was seconded by Ms. DeWaard and passed 5-0.

Mr. Tutelman made a motion that the Board adopt as a finding of fact, regarding the credibility of witnesses, that the witnesses from Mi Casa Nursing Center testified

truthfully and credibly, with no motive to fabricate their testimony; that the documentation provided by the witnesses from Mi Casa Nursing Center and from Respondent were similar enough that the Board could rely on the sequence of events as stated in the documentation; however, the number of hours documented by Respondent appear to exceed the number of hours that she claimed to have worked on the day in question. The motion was seconded by Ms. Babits and passed 5-0.

Mr. Tutelman made a motion that the Board adopt as conclusions of law, that Ms. Brown violated A.R.S. § 32-3401(10) (h), (o), (q), (u) and (x). The motion was seconded by Ms. DeWaard and passed 5-0.

The Board then discussed the appropriate disciplinary action. Ms. Grabski moved that the Board issue an Order for a one year probation, during which time, Ms. Brown is to complete not less than ten hours of continuing education consisting of billing ethics, documentation, professional ethics, and business time management. The continuing education must be pre-approved by the Board, and may not be used by Ms. Brown to satisfy her statutorily required continuing education hours for her next registration renewal period. Finally, Ms. Brown may request early termination of probation if all requirements are met prior to one year. Ms. DeWaard seconded the motion and a roll call vote was taken. Ms. Devine – yes, Mr. Tutelman, with comment – yes, Ms. DeWaard – yes, Ms. Babits – yes and Ms. Grabski – yes. The motion passed 5-0.

Call to the Public

A call for public comment was issued by the Board with no response.

Adjournment

There being no further business before the Board, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Wendy H. Hammon
Executive Director